

Senate Joint Resolution No. 11

RESOLUTION CHAPTER 108

Senate Joint Resolution No. 11—Relative to the “Don’t Ask, Don’t Tell” military policy.

[Filed with Secretary of State September 6, 2005.]

LEGISLATIVE COUNSEL’S DIGEST

SJR 11, Kehoe. Military: “Don’t Ask, Don’t Tell” policy.

This measure would urge the Congress and the President of the United States to adopt the Military Readiness Enhancement Act of 2005 (H.R. 1059), that institutes a policy of nondiscrimination based on sexual orientation, and to repeal the “Don’t Ask, Don’t Tell” policy.

WHEREAS, Since the 1994 codification into law by the United States Congress, and by the signature of the President, the policy now known as “Don’t Ask, Don’t Tell, Don’t Pursue, Don’t Harass” (National Defense Authorization Act of 1994 (Public Law 103-160)), has led to the discharge of a great number of lesbian and gay service members, thus ending their careers and burdening them with a lifelong stigma; and

WHEREAS, The capacity of the Armed Forces of the United States to carry out its missions, like the Global War on Terror, is hindered when competent and qualified individuals are involuntarily discharged from those forces; and

WHEREAS, The Armed Forces of the United States have been forced to retain Reserve and National Guard service members on active duty past standard deployment lengths in order to carry out its missions during the Global War on Terror; and

WHEREAS, The ability of the Armed Forces to recruit and retain the best and brightest Americans is hindered by excluding a section of the population solely because of sexual orientation; and

WHEREAS, Lesbian and gay service members have served honorably throughout United States history and continue to serve with distinction on active duty in the Global War on Terror, including in Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq; and

WHEREAS, These men and women have achieved military honors, decorations, and promotions to the highest ranks of their respective services for their valor and service to the people of the United States; and

WHEREAS, America’s allies in the war on terror, like the United Kingdom, Australia, and Israel, all allow lesbian and gay service members to serve openly; and

WHEREAS, The Department of Homeland Security, the Federal Bureau of Investigation, the Defense Intelligence Agency, the National Security

Agency, the Central Intelligence Agency, and other federal departments handling national security allow their lesbian, gay, bisexual, and transgender personnel to serve openly; and

WHEREAS, A February 2005 Government Accountability Office report shows that more than 9,488 service members have been discharged under the “Don’t Ask, Don’t Tell” policy, including at least 757 service members in “critical occupations,” such as counterintelligence experts, at a cost to taxpayers of more than \$190 million; and

WHEREAS, The Department of Defense reported that 209 language specialists have been discharged from the military under the “Don’t Ask, Don’t Tell” policy, including 54 Arabic and 9 Farsi translators, vitally important positions to intelligence gathering and in critical shortage; and

WHEREAS, Evidence from a study conducted by the Center for the Study Of Sexual Minorities in the Military suggests that the “Don’t Ask, Don’t Tell” policy increases gay troops’ stress levels, lowers their morale, impairs their ability to form trusting bonds with their peers, restricts their access to medical care, psychological services and religious consultations, and limits their ability to advance professionally and their willingness to join and remain in the services; and

WHEREAS, Every Department of Defense authorized study has shown that there is no correlation between sexual orientation and unit cohesion in the Armed Forces; and

WHEREAS, The majority of American citizens support keeping trained and skilled openly gay and lesbian service members in the military; and

WHEREAS, The United States military’s readiness to protect and defend our nation is severely compromised because of the discriminatory “Don’t Ask, Don’t Tell” policy that is arbitrarily enforced by commanders whose personal beliefs may influence their disciplinary action; and

WHEREAS, Discharges under “Don’t Ask, Don’t Tell” are historically fewer when troop strength is low, as in times of war, which denotes the tacit recognition by the military that lesbian and gay service members are fit and capable of military service, thereby further illustrating the arbitrary enforcement of this policy; and

WHEREAS, California has 26 military bases which are home to tens of thousands of military personnel and their families, and, according to a 2004 Urban Institute study, an estimated 137,000 lesbian and gay veterans live in California; and

WHEREAS, The Legislature and courts of the State of California have extended protections based on sexual orientation and gender identity that affirm the equality under the law of lesbian, gay, bisexual, and transgender citizens in order to prevent invidious discrimination; and

WHEREAS, In 2004 the California Legislature passed, and the Governor signed, legislation that protects nonfederally recognized personnel in the California State Militia from the threat of “Don’t Ask, Don’t Tell”; and

WHEREAS, Military readiness is enhanced when every qualified, capable American, regardless of sexual orientation, is welcomed into our

Armed Forces and has their talents utilized in the best interest of our national security; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California respectfully urge the President and the Congress of the United States to adopt the Military Readiness Enhancement Act of 2005 (H.R. 1059) to end the discriminatory federal policy of “Don’t Ask, Don’t Tell”; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President of the United States, to each Senator and Representative in the Congress of the United States, and to the presiding officer of each house of each state legislature of the several states.